

REMARKS

Claims 1-71 are pending, of which claims 5, 14-16, 18-44, 48, 49, 61, 62, and 65-71 are withdraw. Claim 1 is amended by way of this amendment to clarify the subject matter of the invention. All pending claims, as amended, are believed to be allowable over the references cited by the Examiner as discussed below. Accordingly, a Notice of Allowance for the present application is respectfully requested.

Specification

The disclosure was objected to by the Examiner. The specification has been amended at page 8 to address the objection raised by the Examiner. Accordingly, it is believed that the disclosure no longer contains the informalities as objected to by the Examiner and the amendment does not introduce new matter.

Priority

The specification has been amended at page 1 to address the objection raised by the Examiner. The undersigned notes that the Transmittal filed with the subject divisional application included instructions to add similar priority claim language after the title of the application. In addition, the first Filing Receipt contains the information concerning the benefit claim. Accordingly, it is believed that the disclosure no longer contains the informalities as objected to by the Examiner and the amendment does not introduce new matter.

Rejection Under 35 U.S.C. §102(b)

Claims 1-4, 6-13, 17, 45-47, 50-54, 59, and 60 stand rejected under 35 U.S.C. §102(b) as being anticipated by Munro.

As amended, independent claim 1 generally recites that the cutting tool is not only contained within but also selectively extensible from and retractable into the guide.

Munro discloses an electrosurgical loop electrode instrument with a wire electrode 7 extending and in part disposed within a pair of spring insulation sheaths 8 and 8'. In addition, internally biased flat leaf springs 9 and 9' are oppositely spaced from each other and are in part also disposed in and enclosed by sheaths 8 and 8'. The wire electrode 7 has end segments 11, 11' which extend through sheaths 8, 8'. (FIGS. 2 and 3; col. 4, lines 51-63).

However, while Munro's wire electrode 7 is retractable into the housing as a whole, the wire electrode 7 is not extensible from or retractable into either the flat leaf springs 9, 9' or the spring insulation sheaths 8, 8', as generally recited in amended independent claim 1. For example, Munro states that the end segments of the wire electrode are biased by a pair of leaf springs where the springs are internally biased to open upon extension of the springs distally from the housing and to close upon external forces exerted against the springs by the housing during retraction. (See Abstract). As shown in FIGS. 5-8, the wire electrode 7 is retractable into the housing and not into the flat leaf springs 9, 9' or the spring insulation sheaths 8, 8'.

In view of the foregoing, withdrawal of the rejection of independent claim 1 as well as claims dependent therefrom under 35 U.S.C. §102(b) is respectfully requested.

Rejections Under 35 U.S.C. §103

Claims 54-57 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Munro in view of Maslanka. Claim 58 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Munro and Maslanka and further in view of Rydell.

However, dependent claims 54-58 are believed to be allowable at least because independent claim 1 from which they depend are allowable as discussed above.

In view of the foregoing, withdrawal of the rejection of claims 54-58 under 35 U.S.C. §103(a) is respectfully requested.

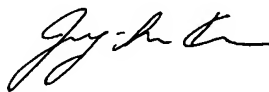
CONCLUSION

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

In the unlikely event that the transmittal letter accompanying this document is separated from this document and the Patent Office determines that an Extension of Time under 37 CFR 1.136 and/or any other relief is required, Applicant hereby petitions for any required relief including Extensions of Time and/or any other relief and authorizes the Commissioner to charge

the cost of such petitions and/or other fees due in connection with the filing of this document to
Deposit Account No. **50-1217** (Order No. **MNOAP001DIV**).

Respectfully submitted,



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